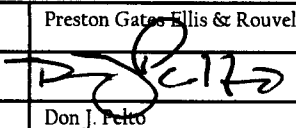


Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>		Application Number	10/720,603
		Filing Date	24 November 2003
		First Named Inventor	Ananda CHAKRABARTY
		Art Unit	1642
		Examiner Name	L. Yao
Total Number of Pages In this Submission	3	Attorney Docket Number	51282-00013

ENCLOSURES <i>(check all that apply)</i>		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached  <input checked="" type="checkbox"/> Amendment/Reply <input checked="" type="checkbox"/> Restriction Requirement <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 27 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communications to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
<u>Remarks</u>  		

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT			
Firm Name	Preston Gates Ellis & Rouvelas Meeds, LLP		
Signature			
Printed Name	Don J. Felto		
Date	September 15, 2006	Reg. No.	33,754

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioners for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Type or Printed Name		Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the complete application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.	10/720,603	Confirmation No. 6398
Applicant	Ananda CHAKRABARTY et al.	
Filed	24 November 2003	
Title	CYTOTOXIC FACTORS FOR MODULATING CELL DEATH	
TC/Art Unit	1642	
Examiner	L. Yao	
Docket No.	51282-00013	
Customer No.	23767	

**REPLY TO OFFICE ACTION UNDER 37 C.F.R. §1.111**

Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

**MAIL STOP AMENDMENT**

In response to the Office Action/Restriction Requirement mailed 17 August 2006, Applicants hereby elect the claims of proposed Group I (claims 1-14, 20 and 21) for prosecution in the subject application. Applicants reserve the right to file divisional applications directed to the subject matter of the non-elected claims.

With respect to the Election of Species Requirement, Applicants hereby make the following election: (a) the cupredoxin is plastocyanin; (b) the condition related to resistance to cell death is melanoma. Claims 1-3, 9-10, and 20 read on the elected species. Applicants respectfully submit that the “cupredoxin” of claim 3 is inseparable from the “cupredoxin” of the elected invention of claim 1; as such, claim 1 is a genus claim linking the species of cupredoxin of claim 3. Similarly, the “condition” of original claim 20 is inseparable from the “condition” of claim 1; as such, claim 1 is a genus claim linking the species of condition of original claim 20. *See* MPEP § 809. Applicants submit that, should linking claim 1 be allowed, the nonelected inventions which depend from the linking claim “be rejoined and . . . fully examined for patentability.” MPEP § 809.

Receipt of the initial Office Action on the merits is awaited. If there are any fees due in connection with the filing of the present reply, please charge the fees to undersigned's Deposit Account No. 50-1067. If a fee is required for an extension of time not accounted for, such an extension is requested and the fee should also be charged to undersigned's deposit account.

Respectfully submitted,

Date: September 15, 2006



---

Don J. Pelto  
Reg. No. 33,754

Preston Gates Ellis & Rouvelas Meeds LLP  
1735 New York Avenue NW, Suite 500  
Washington, DC 20006  
Telephone: (202) 628-1700  
Facsimile: (202) 331-1024